




## FICPI INFORMATION DOCUMENT

### 24 JUNE 2013

CET INFORMATION DOCUMENT	
<p>TITLE: <i>FICPI Meeting with the European Commission, DG Trade on 24 June 2013 in Brussels, Belgium</i></p> <p>DRAWN UP BY: <i>FICPI President, Bastiaan Koster</i></p> <p>PURPOSE: For information and publication in the library section of FICPI's website</p>	<p>QR CODE:</p> 

### FICPI meeting with the European Commission: DG – Trade on 24 June, 2013 in Brussels, Belgium

On 24 June, 2013, a FICPI delegation consisting of Bastiaan Koster, President, Coleen Morrison, Vice-President, Daniel Alge, President EUCOF, Antonio Pizzoli, Chair CET 4 and Leo Jessen Chair CET 6 met with the following people from DG Trade; Mr. Anders Jessen the Head of the Unit, Mr. Denis Dambois and Mr. Petro Velasco Martins who are both Policy Officers for Intellectual Property. The meeting took place at the offices of the DG in Brussels.

After the normal opening remarks, Bastiaan Koster provided an overview of the most recent activities of FICPI. Mr. Anders Jessen is keen to obtain a copy of the presentations delivered during the FICPI Chinese symposium in Xi'an and **Bastiaan Koster agreed to obtain a copy**. DG Trade is very interested in enforcement issues of IP rights in China and these were discussed during the symposium in Xi'an.

On a more general note, Mr. Anders Jessen commented that he believes the unitary patent will be good for trade in Europe. According to him the main reason being that the cost for obtaining patents and their maintenance will become lower.

In respect of the IPR chapters of trade agreements which are currently negotiated Mr. Anders Jessen observed that the IPR chapter for the Indian trade agreement is a challenge. Issues like patent eroding and compulsory licenses are particularly relevant and the discussions are not flowing nicely. The pharmaceutical industry in India is very sensitive. Mr. Anders Jessen mentioned that foreign investment in India has been declining over the last few years.

Discussions relating to the trade agreement with Canada are coming to a close and should be finalised in the near future. IPR issues are not holding up the discussions. The inclusion of Canada joining the Madrid agreement has not been finalised as yet.

Mr. Anders Jessen observed that the trade agreement with Thailand will be difficult. In respect of Vietnam three rounds of discussions took place and the IPR discussions are not moving forward. Trade agreements with Malaysia, Indonesia, Philippines, Morocco, Georgia and Armenia are at early stages. The trade agreement with Singapore has been completed.

In respect of the trade agreement between the US and EU there are still a number of IPR stumbling blocks. The list has been compiled of all the IP requirements which have to be



considered and these include amongst others, grace period, 18 months publication, private user rights, copyright (where some rights are not protected in the US), trademark specifications, plant breeders rights/plant patents and geographical indications . While on the face of it geographical indications appear to be a big issue it becomes simpler once an actual list of the GI's in issue is made as the list is not that long

The trade agreement with Japan is still in an early phase of discussion and trademarks is one of the targeted issues.

Developments on the anti-counterfeit trade agreement (ACTA) has not moved forward although it would appear that there may be six countries who may be prepared to sign the agreement in which case ACTA will come into force between them. The countries in issue are Japan, Singapore, Korea, USA, Canada and Australia.

Mr. Anders Jessen said that trade secrets and the protection of confidential information is an important issue in Europe. This issue is also relevant to the US/EU trade agreement. Currently DG Markt is doing an impact assessment in respect of the protection of confidential information and trade secrets to understand the problem better and to propose solutions. A report on this issue should be published later this year.

The issue of patent erosion was also discussed. Apart from India there are also a number of other countries in which there are signs of patent erosion. **FICPI should consider making the issue of patent erosion a workshop topic at one of the future EXCO meetings.** Mr. Anders Jessen said there is a drive for making patented green technologies available to third parties by way of compulsory licenses. He also mentioned that the exceptions on copyright for visually impaired people may lead to other exceptions and erosions of intellectual property rights.

Both FICPI and DG Trade concluded that the meeting was useful and the exchange of information valuable. Mr. Jessen mentioned that Mr. Denis Dambois, who is the contact person at the DG with FICPI, will transfer later this year to India. A new contact person has not been nominated.

Report prepared by Bastiaan Koster

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